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| 09/974,547      | 10/10/2001  | Darrel D. Cherry     | 10014721-1          | 7214             |

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EXAMINER

CHANKONG, DOHM

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

2152

DATE MAILED: 05/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/974,547

Applicant(s)

CHERRY ET AL.

Examiner

Dohm Chankong

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 March 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3,4,6,7,9,10 and 12-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,4,6,7,9,10 and 12-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1> This action is in response to Applicant's amendment and remarks. Claims 2, 5, 8, 11 and 20-24 have been cancelled. Claims 1, 3, 4, 6, 7, 9, 10 and 12-19 are presented for further examination.

#### *Response to Arguments*

2> Applicant's arguments filed 3.10.2005 have been fully considered but they are not persuasive.

Applicant's arguments and amendment do not overcome the prior art. Applicant is arguing that the Chen reference does not disclose utilizing an input system being implemented on a portable device other than a cellular phone. This argument is incorrect; in Chen, there are numerous references to a variety of mobile devices such as [Figure 2 «items 101f and 101g» | 0027]. Therefore, Applicant's amendment to the claims of having the location input system in a portable device other than a cell phone does not overcome the Chen reference.

Applicant's arguments are also unpersuasive in regards to the Brohoff. Brohoff is directed towards general mobile stations and in no way limits his invention to cell phones in particular. For example, Figure 5 illustrates a mobile station in the form of a car.

#### *Claim Rejections - 35 USC § 112*

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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3> Claims 1, 3, 4, 6, 7, 9, 10 and 12-19 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a. Claims 1, 10 and 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

i. These claims have been amended with the limitation "...implemented with a portable computing device other than a cellular phone...". Such claim language renders the claim indefinite because it is a negative limitation that does not limit or properly define the scope of the invention in a distinct and clear manner.

ii. Claim 17 is also rejected because of having contradictory limitations. Specifically, claim 17 is directed towards a portable computing device other than a cell phone; however, claim 17 was also amended to retrieve information corresponding to a current cell phone cell.

b. Claims 7, 16 and 19 are rejected for contradicting its parent claim. Claims 7, 16 and 19 are directed towards the input system retrieving information corresponding to the current cell of the user by querying the cell phone server provider. Claims 1 and 10 clearly claim not utilizing a cell phone it is system.

c. Claim 18 is rejected for similar reasons; disclosing the use of a cell phone when its parent claim clearly claims not utilizing a cell phone.

*Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4> Claims 1, 3, 4, 6, 7, 9, 10 and 12-19 are rejected under 35 U.S.C § 102(e) as being anticipated by Chen et al, U.S Patent Publication No. 2002/0073235 ["Chen"].

5> As to claim 1, Chen discloses an information system for use in providing information to a user via a communication network, said information system comprising:

a location-specific input system configured to communicate with a communication network, said location-specific input system being implemented with a portable computing device other than a cellular phone [0005, 0012, 0027], said location-specific input system being further configured to:

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receive an input from a user corresponding to a request for information from the communication network [Figure 3 «item 201»],

determine a location of the user by accessing information corresponding to a cellular communication cell within which the user is located [0091, 0092, 0093], and

enable information corresponding to the input of the user and the location of the user to be provided to the communication network [0091, 0092, 0093, 0094].

6> As to claim 3, Chen discloses the information system of claim 1, wherein said location-specific input system is configured to determine the location of the user automatically in response to receiving the input from the user [0093].

7> As to claim 4, Chen discloses the information system of claim 1, wherein said portable computing device is selected from the group consisting of: a personal digital assistant, and a laptop [0005, 0012, 0027 : "Palm Pilot"].

8> As to claim 6, Chen discloses the information system of claim 1, wherein the location of the user is determined by said location-specific input system retrieving information corresponding to a current cell with which a cell phone of the user is active [0091, 0093 where: Chen discloses retrieving information about the communication tower which received the user request. Communication towers are well known in the art to correspond to particular cells in a cellular network. Therefore it is implicitly suggested in Chen that the input system retrieves information corresponding to a current cell in which the user is active].

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9> As to claim 7, Chen discloses the information system of claim 6, wherein said location-specific input system retrieves information corresponding to the current cell of the user by querying a cell phone service provider of the user [0091, 0093].

10> As to claim 9, Chen discloses the information system of claim 1, wherein said location-specific input system includes means for retrieving information corresponding to a current cell of the user [0091, 0093].

11> As to claim 10, Chen discloses an information system for use in providing information to a user via a communication network, said information system comprising:  
a location-specific input system configured to communicate with a communication network, said location-specific input system being further configured to receive an input from a user, determine a location of the user, and prevent information failing to correspond to the location of the user from being provided to the user [0027, 0028, 0091, 0093, 0095 where: Chen discloses that only information pertaining to the user's location is transferred to the user, implicitly suggesting that unrelated information is not sent, and thereby prevented from being sent, to the user];

wherein said location-specific input system is implemented with a portable computing device other than a cell phone [0005, 0012, 0027]; and

wherein the location of the user is determined by retrieving information corresponding to a current cell with which the user is associated [0091, 0092, 0093].

12> As to claim 12, Chen discloses the information system of claim 10, wherein the location of the user is determined by said location-specific input system retrieving information corresponding to a current cell with which a cell phone of the user is active [0091].

13> As to claim 13, Chen discloses the information system of claim 10, wherein said location-sensitive input system is configured to determine the location of the user automatically in response to receiving the input from the user [0093].

14> As to claim 14, Chen discloses the information system of claim 10, further comprising:  
a location-specific services system configured to communicate with a communication network, said location-specific services system being further configured to receive information from said location-specific input system of the user via the communication network, determine a location of the user, and provide information which corresponds to the location of the user to the location-specific input system via the communication network [0027, 0028, 0091, 0093, 0094, 0095 where: Chen's user request is analogous to an information from a user].

15> As to claim 15, Chen discloses the information system of claim 14, wherein said location-specific services system is configured to determine the location of the user by



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retrieving information corresponding to a current cell with which a cell phone of the user is active [0091].

16> As to claim 16, Chen discloses the information system of claim 16, wherein said location-specific input system is configured to determine location of the user by querying a cell phone service provider of the user [0091].

17> As to claim 17, Chen discloses a method for providing information to a user via a communication network, said method comprising:

providing a portable computing device other than a cell phone [0005, 0012, 0027];

receiving an input from a user via the portable computing device [0026, 0027];

automatically determining a location of the user by retrieving information corresponding to a current cell phone cell with which the user is associated [0091]; and

enabling information corresponding to the input of the user and the location of the user to be provided to the communication network via the portable computing device [0092, 0093].

18> As to claim 18, Chen discloses the method of claim 17, wherein automatically determining a location of the user comprises:

retrieving information corresponding to a current cell with which a cell phone of the user is active [0091].

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19> As to claim 19, Chen discloses the method of claim 17, wherein automatically determining a location of the user comprises:

querying a cell phone service provider of the user [0091].

20> The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

21> Claims 1, 3, 4, 6, 9, 10, 12-15, 17, 18 are rejected under 35 U.S.C § 102(b) as being anticipated by Brohoff, U.S Patent No. 6,108,533.

22> As to claim 1, Brohoff discloses an information system for use in providing information to a user via a communication network, said information system comprising:

a location-specific input system configured to communicate with a communication network, said location-specific input system being implemented with a portable computing device other than a cellular phone [Figure 5 | column 2 «lines 33-42»], said location-specific input system being further configured to:

receive an input from a user corresponding to a request for information from the communication network [Figure 7 | column 7 «lines 50-58»],

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determine a location of the user by accessing information corresponding to a cellular communication cell within which the user is located [column 2 «lines 33-42» | column 6 «lines 28-49»], and

enable information corresponding to the input of the user and the location of the user to be provided to the communication network [abstract | Figure 7 | column 2 «lines 33-42»].

23> As to claim 3, Brohoff discloses the information system of claim 1, wherein said location-specific input system is configured to determine the location of the user automatically in response to receiving the input from the user [column 5 «lines 55-65»].

24> As to claim 6, Brohoff discloses the information system of claim 1, wherein the location of the user is determined by said location-specific input system retrieving information corresponding to a current cell with which a cell phone of the user is active [Figure 4 | column 5 «lines 55-65»].

25> As to claim 9, Brohoff discloses the information system of claim 1, wherein said location-specific input system includes means for retrieving information corresponding to a current cell of the user [column 5 «lines 55-65»].

26> As to claim 10, Brohoff discloses an information system for use in providing information to a user via a communication network, said information system comprising:  
a location-specific input system configured to communicate with a communication

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network, said location-specific input system being further configured to receive an input from a user, determine a location of the user, and prevent information failing to correspond to the location of the user from being provided to the user [column 5 «line 55» to column 6 «line 27»];

wherein said location-specific input system is implemented with a portable computing device other than a cell phone [Figure 5]; and

wherein the location of the user is determined by retrieving information corresponding to a current cell with which the user is associated [column 5 «lines 55-65»].

27> As to claim 12, Brohoff discloses the information system of claim 10, wherein the location of the user is determined by said location-specific input system retrieving information corresponding to a current cell with which a cell phone of the user is active [column 5 «lines 55-65»].

28> As to claim 13, Brohoff discloses the information system of claim 10, wherein said location-sensitive input system is configured to determine the location of the user automatically in response to receiving the input from the user [claim 1].

29> As to claim 14, Brohoff discloses the information system of claim 10, further comprising:

a location-specific services system configured to communicate with a communication

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network, said location-specific services system being further configured to receive information from said location-specific input system of the user via the communication network, determine a location of the user, and provide information which corresponds to the location of the user to the location-specific input system via the communication network [claim 1].

30> As to claim 15, Brohoff discloses the information system of claim 14, wherein said location-specific services system is configured to determine the location of the user by retrieving information corresponding to a current cell with which a cell phone of the user is active [column 5 «lines 55-65»].

31> As to claim 17, Brohoff discloses a method for providing information to a user via a communication network, said method comprising:

providing a portable computing device other than a cell phone [Figure 5 | claim 1];  
receiving an input from a user via the portable computing device [claim 1];  
automatically determining a location of the user by retrieving information corresponding to a current cell phone cell with which the user is associated [column 5 «lines 55-65» | claim 1]; and

enabling information corresponding to the input of the user and the location of the user to be provided to the communication network via the portable computing device [claim 1].

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32> As to claim 18, Brohoff discloses the method of claim 17, wherein automatically determining a location of the user comprises:

retrieving information corresponding to a current cell with which a cell phone of the user is active [column 5 «lines 55-65»].

*Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

33> Claim 4 is rejected under 35 U.S.C § 103(a) as being unpatentable over Brohoff, in view of an Official Notice.

34> As to claim 4, Brohoff discloses a portable computing device (mobile station) but does not explicitly disclose selecting from the group consisting of: a personal digital assistant, and a laptop. However, as PDAs and laptops are ubiquitous in the art and it would have been obvious for one of ordinary skill in the art to implement Brohoff's mobile station as either a PDA or laptop. One would have been particularly motivated to perform such an implementation to enable a variety of devices that are compatible with Brohoff's system.

*Conclusion*

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Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

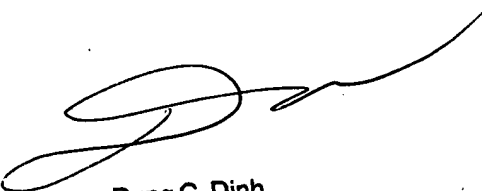
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dohm Chankong whose telephone number is (571)272-3942. The examiner can normally be reached on 8:30AM - 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (571)272-3949. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DC



Dung C. Dinh  
Primary Examiner